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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/499,069    02/04/00    WRIGHT    T    77017.002

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QM12/1011

EXAMINER

CARTER, M

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 10/11/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/499,069

Applicant(s)

Wright

Examiner  
Monica S. Carter

Group Art Unit  
3722



☒ Responsive to communication(s) filed on Feb 4, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) 8-10 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-7 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Feb 4, 2000 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3722

**DETAILED ACTION**

This is a first Office action on the merits on application number 09/499,069 filed 2/04/00.

***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7, drawn to a single-sheet registration form and key packet, classified in class 283, subclass 61.
  - II. Claims 8-10, drawn to a method for registering a registree, classified in class 705, subclass 5.
2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be used in a materially different process of using that product such as for retaining travel tickets, baggage claim checks, boarding passes, etc..
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 3722

4. During a telephone conversation with Robert W. Bergstrom on October 5, 2000, a provisional election was made with traverse to prosecute the invention of Invention I, claims 1-7. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Drawings***

✓ 5. Figures 1A-C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

***Specification***

✓ 6. The disclosure is objected to because of the following informalities:

In the "Brief Description of the Drawings" section, the figures should be listed separately (for example (Figure 5 illustrates...", "Figure 6 illustrates...").

Appropriate correction is required.

***Claim Objections***

✓ 7. Claim 1 is objected to because of the following informalities:

In claim 1, line 3, "packet separated the registration" appears to be incomplete.

Appropriate correction is required.

Art Unit: 3722

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ In claim 7, line 1, the dependency can not be determined because applicant has failed to provide the appropriate number following "claim". For purposes of this Office action, claim 7 is deemed to depend from claim 1.

✓ In claim 7, line 2, the recitation "selected from metal keys and magnetic key cards" is improper Markush grouping format. Applicant should replace this recitation with a recitation such as "selected from a group consisting of metal keys and magnetic key cards."

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowan (3,734,396) in view of Welt (5,141,485).

Art Unit: 3722

Cowan discloses an envelope comprising a registration form (22); an unfolded packet (12) separated from the registration form by a line of perforations (54); the unfolded packet including a number of lines of perforations (34, 44); a vertical line of perforations (44) bisecting the packet; a lower tab (20) being separated from a central portion of the unfolded packet by a second horizontal line of perforations (40); the form and packet having pre-printed indicia (col. 2, lines 62-67 through col. 3, lines 3). Printing the indicia on a printing device is inherently known. Cowan discloses the claimed invention except for one of more die-cut slots in the unfolded packet.

Welt discloses a method of making a folder comprising slits (32) for insertion of a card.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the envelope of Cowan to include slits, as taught by Jacobs et al., to enable a user to insert items (such as cards) into the envelope.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cowan and Welt in view of Holcomb et al. (5,933,085).

Cowan, as modified by Welt, discloses the claimed invention except for keys being selected from a group consisting of metal keys and magnetic key cards.

Holcomb et al. discloses a control lock system comprising a magnetic key card (12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the envelope of Cowan to include a magnetic key card for opening

Art Unit: 3722

a locked door, as taught by Holcomb et al., to provide a secure method of ensuring authorized entry into an area.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seitz (2,982,322) discloses a card-carrying case, Thompson (3,655,119) discloses a ticket envelope, Jacobs et al. (4,488,737) discloses a combined key holder and booklet, Jacobs et al. (4,492,390) discloses a combined airline ticket holder and advertising booklet, Drabish (4,613,157) discloses a reusable greeting card, Biasini (4,703,952) discloses a folder for carrying and displaying sheets of material, Miller (4,989,777) discloses a portfolio, Zoland (5,303,956) discloses a time zone conversion chart for a card case, Eisermann (5,339,661) discloses a magnetic card lock with key card, and Hedge, Jr. (5,487,566) discloses a promotional advertising brochure.

### ***Contact Information***


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter ((703) 305-0305). The examiner can normally be reached Monday-Thursday from 8:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, AL Wellington can be reached on (703) 308-2159. Any

Art Unit: 3722

inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist ((703) 308-1148). In order to reduce pendency and avoid potential delays, Group 3722 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into group 3722 will be promptly forwarded to the examiner.

MSC  
msc

October 5, 2000

  
A. L. WELLINGTON  
SUPERVISORY PATENT EXAMINER  
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